

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 1, 2005

Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Assistant City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Anna Stillwell, Indian United Methodist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the January 25, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS:**SERVICE AWARDS****DISTINGUISHED SERVICE CITATIONS:**

Mayor Mayans recognized Robert L. Self and Carl L. Gipson for their years of service with the City of Wichita and presented them each with a plaque.

ESGR RECOG.**EMPLOYER SUPPORT OF THE GUARD AND RESERVE RECOGNITION.**

Mayor Mayans read aloud and signed the following Proclamation:

PROCLAMATION
of
The City of Wichita, Kansas
Founded in 1870

Whereas, the National Guard and Reserve are essential to the strength of our nation and the well-being of our communities; and

Whereas, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession, training to respond to their community and their country in time of need; and

Whereas, if these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security; and

Whereas, these men and women must have the cooperation of all American employers in encouraging employee participation in Guard and Reserve;

Now, Therefore, Be It Resolved, that I, Carlos Mayans, Mayor of the City of Wichita, Kansas, do hereby proclaim February 1, 2005, as

Employer Support of the Guard and Reserve Recognition Day

and do hereby join other employers in pledging that for the City of Wichita:

1. Employment will not be denied because of service in the Guard or Reserve;

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2. Employee job and career opportunities will not be limited or reduced because of service in the Guard or Reserve;
3. Employees will be granted leaves of absence for military service in the Guard or Reserve, consistent with existing laws, without sacrifice of vacation; and
4. This agreement and its resultant policies will be made known throughout our organization.

PUBLIC AGENDA:

William Draper

Mr. Draper stated that he wanted to speak on public health. Stated that hundreds of people are crowded in the courtrooms and there are all kinds of people who are coughing and spreading health hazards. Asked the Council to get the public health staff together to find a better way to handle these types of conditions.

CONSENT AGENDA

Motion-- carried

Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 31, 2005.

Bids were opened January 28, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specification.

2005 sanitary sewer rehabilitation, Phase A - between 21st Street North & Pawnee, and between Maize & Woodlawn. (468-83943/620425/665545) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V,VI)

Wildcat Construction - \$197,574.00

Kessler Street from the north line of Kellogg Drive to the south line of Taft to serve Eureka Gardens Addition - south of Maple, east of West Street. (472-84041/765891 /490004) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Kansas Paving Company - \$101,359.00

Traffic signals at 13th & Gateway Center, east of Greenwich. (472-83095/765850/ 490961) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Sims Electric Service, Inc. - \$81,950.00

Lateral 14, Main 6, Sanitary Sewer #23 to serve Woodlawn North Pointe Addition - south of 29th Street North, east of Woodlawn. (468-83901/744093/480781) Does not affect existing traffic. (District I)

Wilks Underground - \$43,170.00

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Water distribution system to serve Woodlawn North Pointe Addition - south of 29th Street North, east of Woodlawn. (448-90012/735222/470892) Does not affect existing traffic. (District I)

Wilks Underground - \$19,696.00

Glenwood Court serving Lots 24 thru 33, Block 1 from the west line of Glenwood to and including the cul-de-sac; Reed's Cove from the east line of Reed's Cove Court to the west line of Glenwood; Sidewalk on both sides of Reed's Cove from the east line of Reed's Cove Court to the west line of Glenwood to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83857/765918/499031) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$120,733.25

Lark from the east line of the plat south to the north line of Hadden; Lark from the south line of Hadden south to the south line of the plat; Hadden from the east line of Lark east to the east line of the plat; Fieldcrest Street from the west line of Lark west to the west line of Lot 21, Block A; Atlanta Circle from the west line of Lark west to and including the cul-de-sac; Hadden Circle from the west line of Hadden west to and including the cul-de-sac; Sidewalk on Lark, Fieldcrest Street, and Hadden to serve Southern Ridge Second Addition - south of Pawnee, west of Maize. (472-84097/765917/499030) Does not affect existing traffic. (District IV)

APAC – Kansas Inc. - \$227,975.95

2005 contract maintenance area concrete Street Repairs, Phase 1 - north of Pawnee, east of Seneca. (472-84147/132718/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III)

Parga Construction - \$260,050.00 (Engineer's estimate)

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

TECHNOLOGY/INFORMATION SERVICES: Data and Voice Cabling – Rounds & Porter.

Shelley Electric Inc. - \$19,225.00 (Group 1/total net bid)

WATER DEPARTMENT/CUSTOMER SERVICE DIVISION: Send/Return Envelopes for Water Wills.

Tension Envelope Corporation – \$28.91/M (Group 1 Price increase from \$27.95 per M/awarded 02-10-04 due to escalating paper costs)

INFORMATION TECH/INFO SERVICES: MS Server Licenses/Software Assuarances/RQ500090.

Software House International - \$70,485.90* (State of Kansas Contract #07359)

*Purchases Utilizing Government Entities Contracts, Cooperative Contracts & Agreements. Ordinance No. 38-122, Section 2.64.020(j)

Motion--

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

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CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
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Xin B. Liu Tane Chanthivong	Fortune Cookie Restaurant, Inc. Chiang Mai Thai Restaurant*	620 South Holland Street 3141 South Hillside
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<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Robin E. Forbis Robin E. Forbis Mark Branham	Wal-Mart Supercenter #3492 Wal-Mart Supercenter #1099 QuikTrip #315	11411 East Kellogg 501 East Pawnee 1500 South Maize Road
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<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
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Julie D. Fowler	J & D Group Inc.*	505 West Maple
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<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Hazmar Fereze	Cottage Industries Inc. dba Fuel Up	550 North Webb Road
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Cost of Façade Improvement Program at 1011-1017 W. Douglas. (472-83896/766009/491-010) (District I) - Total Estimated Cost \$50,000.00
- b) Cost of Façade Improvement Program at 712 W. Douglas. (472-83992/766011/491-012) (District I) - Total Estimated Cost \$16,800.00
- c) Cost of Façade Improvement Program at 810 W. Douglas. (472-83864/766008/491-009) (District I) - Total Estimated Cost \$52,500.00
- d) Harry, I-135 to George Washington Boulevard \ (87N-0229-01/472-83686/448-89553/468-83460/706851/636102/620344/203317/771500/662467) Traffic to be maintained during construction using flagpersons and barricades. (District I,III) - \$1,302,210.95
- e) Lateral 4, Main 10, Four Mile Creek Sewer to serve The Fairmont Third Addition - north of 21st Street North, west of 127th Street East. (468-83935/744099/480787) Does not affect existing traffic (District II) - \$131,000.00
- f) Storm Water Drain #244 to serve Remington Place Third Addition - south of 21st Street North, east of Webb. (468-83928/751390/485281) Does not affect existing traffic. (District II) - \$50,000.00
- g) Storm Water Sewer #610 to serve Southern Ridge Second Addition - south of Pawnee, west of Maize Road. (468-83894/751386/485277) Does not affect existing traffic. (District IV) - \$417,000.00
- h) Lateral 108, Sanitary Sewer #23 to serve Sand Plum Addition - south of 45th Street North, west of Webb. (468-83822/744073/480761) Does not affect existing traffic. (District II) - \$205,000.00
- i) Water Distribution System to serve Sand Plum Addition - south of 45th Street North, west of Webb. (448-89958/735209/470879) Does not affect existing traffic. (District II) - \$51,000.00

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j) Planeview Park Parking Lot - along East Cessna, east of Holyoke. (472-84140/602559 /800402) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$70,000.00

Motion--carried Mayans moved that the Preliminary Estimates be approved. Motion carried 7 to 0.

FOUR H ADD.

PETITIONS FOR PAVING AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO SERVE FOUR H ADDITION, NORTH OF CENTRAL, WEST OF TYLER. (DISTRICT V)

Agenda Report No. 05-0065

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and water service to a new residential development located north of Central, west of Tyler.

The Petitions total \$126,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-046

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number (north of Central, west of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 05-047

Resolution of findings of advisability and Resolution authorizing constructing pavement on Waddington Court on the east side of Waddington, 472-82312, (north of Central, west of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

TALLGRASS EAST

PETITIONS FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO SERVE TALLGRASS EAST COMMERCIAL ADDITION, NORTH OF 21ST STREET, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 05-0066

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new commercial development located north of 21st, east of Webb.

The Petitions total \$79,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-048

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90039, north of 21st Street, east of Webb) Central, west of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-049

Resolution of findings of advisability and Resolution authorizing construction of Lateral 51, Main 24, War Industries Sewer, 468-83954, (north of 21st Street, east of Webb) Central, west of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

TRAFFIC SIGNALS

PETITION TO INSTALL TRAFFIC SIGNALS ON 13TH STREET, APPROXIMATELY 800 FEET EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 05-0067

On March 23, 1999, the City Council approved a Petition to install traffic signals on 13th approximately 800' east of Greenwich. A new Petition has been submitted to include additional tracts that benefit from the project. The signatures on the new Petition represent 100% of the improvement district.

The project will serve new commercial developments located south of 13th, east of Greenwich.

The existing Petition totals \$162,000. The new Petition totals \$110,000, with the total paid by Special Assessments. The budget is reduced because only a T intersection is being signalized at this time. The area north of 13th is undeveloped.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-050

Resolution of findings of advisability and Resolution authorizing constructing a traffic signal on 13th Street for a "T" Intersection located approximately 800 feet east of Greenwich (south of 13th Street, east of Greenwich) 472-83095, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

DV SERVICES

CONTRACT FOR DOMESTIC VIOLENCE SERVICES.

Agenda Report No. 05-0068

Since 1990, the City of Wichita has provided services to victims of domestic violence through a Victim Advocate Program. Kansas Legal Services, Inc., has been providing these services during the period from 1999 through 2004. This contract for services through December 31, 2005, does not include an increase in compensation.

Kansas Legal Services, Inc., would be willing to continue for an additional year the services of a paralegal who will work in the Victim Advocacy Program to assist in the coordination of advocacy services to domestic violence victims.

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Funds in the amount of \$35,000 have been approved in the Law Department Budget for purposes of paying for this program in 2005 (OL3 2599).

Motion--
--carried

Mayans moved that the contract with Kansas Legal Services, Inc. be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY POOLS

AREA LIGHTING AT NINE CITY POOLS. (DISTRICTS I, IV, V & VI)

Agenda Report No. 05-0069

On May 4, 2004, the City entered into an Agreement with K.E. Miller Engineering, P.A. for designing area lighting at nine City pools for a design fee of \$22,000.

The Park Department has asked K.E. Miller to study the existing lighting and prepare design plans for an upgraded lighting system for the West Side Athletic Fields. It is proposed that fees be paid by a Supplemental Agreement to their original lighting contract. The request was made based on the quality of plans submitted and the need for the project to move forward in a timely manner. The West Side Athletic Field lighting project will be CDBG funded and it is imperative to have the project designed and constructed no later than June 30, 2005 in order to avoid loss of funding. In order to expedite the project, as this project is similar to the pool lighting project completed by K.E. Miller, it is requested they be granted a supplemental agreement to prepare the lighting project plans.

Payment to K.E. Miller will be on a lump sum basis of \$6,500, and will be paid by CDBG Funding for the West Side Athletic Field Lighting project (OCA 602652 with a budget of \$50,000).

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

LEGAL SERVICES

PROFESSIONAL LEGAL SERVICES-WORKER'S COMPENSATION.

Agenda Report No. 05-0070

The City retains outside legal counsel to provide legal advice and handle workers' compensation claims, litigation and related assignments. Because workers' compensation litigation has become a specialized area of law, it is necessary to retain outside legal counsel to perform these services.

Because of the variety and volume of legal issues and services that the claims will generate, the selected law firm will be utilized to assist the Department of Law and the Risk Manager in performing a broad range of professional services related workers' compensation. To select legal representation in workers compensation cases commencing in 2004, a request for proposal was sent to 31 local attorneys and law firms who handle workers compensation matters. Six attorneys responded to the request and were interviewed by a panel. Those who were interviewed were evaluated on their experience, approach to problems, legal skills and knowledge, price and overall value. Mr. Heath was ranked the highest following the interviews. Mr. Heath has performed fully through 2004 and has agreed to continue to perform through December 31, 2005, without an increase in cost.

This agreement provides authority for \$60,000.00, to be paid upon receipt of detailed billings of hourly work and expenses. The charges are reasonable for the amount of legal services involved. Payment will be from the Workers Compensation fund.

The City Attorney's office has prepared the Agreement and has approved it as to form.

Motion--
--carried

Mayans moved that the Ed Heath law firm to provide workers' compensation professional legal services be selected and the Mayor be authorized to sign the Agreement for Professional Services. Motion carried 7 to 0.

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ASSESSMENT ROLLS PROPOSED ASSESSMENTS ROLLS.

Proposed Assessment Rolls have been prepared for twenty-one (21) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 14, 2005 at 11:00 a.m.

Motion--

Mayans moved that the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, March 1, 2005 be set and the City Clerk be directed to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing. Motion carried 7 to 0.

--carried

NARCOTIC SEIZURE NARCOTIC SEIZURE FUND BUDGET.

Agenda Report No. 05-0071

The Wichita Police Department has utilized the Narcotic Seizure Fund for many years to fund various Police operations. The Narcotic Seizure Fund consists of monies from federal, state, and other agencies obtained as a result of investigations into illegal enterprises such as the possession and sale of narcotics. After the judicial process is completed, the funds are awarded to the Department. The Wichita Police Department adheres to stringent state and federal guidelines in accounting for and using the Narcotic seizure funds.

By using these funds for expenses such as undercover vehicle maintenance, buy money, and training Department personnel, the Police Department has been able to effectively address the various crimes that impact our city, particularly drug and moral violations.

The budget for the Narcotic Seizure Fund is adopted to permit the expenditure of funds forfeited to the Wichita Police Department. Federal and state regulations require separate accounts for assets forfeited under different forfeiture programs. Also, each year, the City is required to submit a Federal Annual Certification Report, which outlines federal seizure revenue and expenditures for the prior year.

As of December 31, 2004, the Narcotic Seizure Fund totaled \$135,633. The Police Department recommends the following budget for 2005:

Budgeted Item	Amount
Undercover buy money	\$ 50,000
Undercover vehicle maintenance/operations	50,000
Undercover fleet replacements	20,000
Law enforcement training	5,000
Annual audit	2,840
Contingency/fund reserve	<u>7,793</u>
Total	\$135,633

Federal and State laws require local units of government to use forfeited assets to supplement the funds dedicated to law enforcement and prohibits supplanting local funds with forfeited assets. As a prerequisite to the approval of any equitable sharing request, the City must submit the Federal Annual Certification Report within 60 days after the close of the fiscal year.

Motion--

Mayans moved that the budget for the Narcotic Seizure Fund be adopted and the necessary signatures for the Federal Annual Certification Report authorized. Motion carried 7 to 0.

--carried

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POOL IMPROV.

SWIMMING POOL IMPROVEMENTS.

Agenda Report No. 05-0072

The 2005 Park and Recreation CIP will provide funding for improvements to various swimming pools across the city on a periodic, as-needed basis.

The Park and Recreation Department maintains and operates 11 municipal pools within the City's park system. Annual maintenance includes sandblasting, repainting, leak repair of pool shells, replacement of ladders and diving boards, and other items necessary to keep the pools aesthetically attractive and safe for the public's use.

Pools identified for improvements in 2005 include improving Diving Standards at Boston; Lifeguard Stand replacements at Orchard, McAdams and Linwood; and additional Shade Structures at College Hill, Edgemoor, Harvest, Linwood, Minisa and Orchard. Additional improvements and equipment will be purchased for Aley, Evergreen and Country Acres.

Funding in the amount of \$100,000 will be available within the City's 2005 Capital Improvement budget to fund the improvements. The source of funding is General Obligation bonds.

Motion--
--carried

Mayans moved that the bonding resolution be adopted and the initiation of the project authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-056

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the labor, material, and equipment to improve diving standards at Boston; lifeguard stand replacements at Orchard, McAdams and Linwood; lane line repainting at Linwood, Orchard and Aley; Lane line storage equipment for Aley, Evergreen, McAdams and Orchard; pool vacuum and water basketball goal equipment for Edgemoor; additional seating for Harvest, College Hill and Aley; and additional shade structures at College Hill, Edgemoor, Harvest, Linwood, Minisa and Orchard. presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WATER MAIN

WATER TRANSMISSION MAIN IN FIRST STREET FROM MERIDIAN TO MCCOMAS. (DISTRICT VI)

Agenda Report No. 05-0073

The 1999, the Water Master Plan identified potential water pressure problems in portions of the west Wichita water distribution system and in growth areas in west Sedgwick County. Recent pressure complaints and accelerated growth in west Wichita has prompted a need to expedite this project.

On April 8, 2003, City Council approved a Water Master Plan Update. The firm of Burns & McDonnell was selected as consultant engineers for the update. In the process of updating the water distribution water model and analyzing the water distribution system, Burns & McDonnell recommended installing a 36-inch water transmission main from the existing 36-inch in Meridian to a future recommended booster pump station near Maple and I-235. The recommendation included the most recent growth prediction by the Metropolitan Area Planning Department.

The City is currently under contract with Wildcat Construction to install a concrete drainage box from West Street to the Arkansas River. The contractor is scheduled to be under construction on the portion from Meridian to McComas by the end of February 2005.

The pavement on First Street will be removed to install the concrete drainage box, so it would be less disruptive to the neighborhood to install the water transmission main at the same time. Approximately twenty percent (20%) of the cost for the main installation project could be saved by not having to remove and replace pavement twice.

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To assure that the 36-inch water transmission main is constructed concurrently with the concrete drainage box, Staff recommends a supplemental agreement be signed with Baughman Company to design the transmission main. Baughman Company is the design engineer for the drainage project and has knowledge of the area that will allow for the most efficient water line design in the shortest period of time.

Additionally, Staff will pre-purchase piping and appurtenances for the project in the amount of \$23,658 from a local vendor (Hajoca). This pre-purchase of materials is to lessen delays associated with contractor purchase of the materials after a contractor has been selected. Additional materials may need to be pre-purchased in order to expedite construction.

Construction will be either bid or done through a negotiated change order with Wildcat Construction. In either case, the contract will be brought back to the City Council for approval.

The fee for the supplemental engineering agreement is \$27,800. The cost of pre-purchased materials is \$23,658. The total expenditures for the project are estimated to be \$800,000. Funding is available in CIP W-65, Unidentified Mains. The project will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion--

Mayans moved that the expenditure be authorized; the supplemental engineering agreement for design approved; the pre-purchase expenditures approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

PROPERTY ACQ.

ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR HILLSIDE IMPROVEMENT: KELLOGG TO CENTRAL. (DISTRICT II)

Agenda Report No. 05-0074

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. The project required the acquisition of all or part of 27 tracts. To date, 24 tracts have been acquired. The three remaining acquisitions involve partial acquisitions. These include the west four-feet of the property at 212 North Hillside, totaling 804 square feet, 1,616 square feet from the property at 3123 East Douglas, and 2,646 square feet from 3134 East Douglas. None of the acquisitions impact the structures on the property although they do impact landscaping, paving and signage.

City Staff has been attempting to negotiate a purchase of the identified properties but have been unable to reach an agreement with the owner. The tract at 212 North Hillside was appraised at \$10,000. The owner countered in writing at \$159,000. He later lowered his counter verbally to \$100,000. The acquisition at 3123 East Douglas was appraised at \$26,850. The owner countered at \$550,000 based on the argument that taking 1,250 square feet of landscaping rendered the site unusable. The property needed at 2124 East Douglas was appraised at \$76,000. This amount was rejected by the owner, but to date the owner has not presented a counter offer. Staff will continue to negotiate with the owners, but due to the owner's wishes, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

Motion--

Mayans moved that the resolution be adopted and the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition be placed on first reading.

--carried

Motion carried 7 to 0.

RESOLUTION NO. 05-051

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned hillside from Kellogg to Central Improvement Project, introduced and under the rules laid over.

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ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Hillside Avenue from Kellogg Avenue to Central Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

CLAIM

SETTLEMENT OF CLAIM FOR DAMAGES.

Agenda Report No. 05-0075

This claim results from an automobile accident in December 2004, involving a City employee and the claimant, Tracy L. Kennedy. Claimant seeks payment for damages to her vehicle caused by the City employee failing to stop at a stop sign.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. Based on the investigation, it is recommended that the claim be resolved with a lump sum payment of \$11,795.40 as settlement of the claims against the city arising out of this event. Settlement would include a full release of the City. Because of the risks associated with litigation, the Law Department recommends payment of the claim.

Funding for this settlement payment is from the Tort Claims Fund.

The Law Department recommends payment of the settlement.

Motion--
--carried

Mayans moved that payment of \$11,795.40 as a full settlement of all possible claims against the City of Wichita arising out of the event, which is the subject of the claim be authorized. Motion carried 7 to 0.

FIRE APPARATUS

2005 FIRE APPARATUS REPLACEMENT PROGRAM.

Agenda Report No. 05-0076

On May 18, 2004, City Council approved the 2005 Fire Apparatus Replacement Program project.

The statutory reference under which the project was initiated was incorrectly cited.

Changing the statutory reference does not impact the cost of the project.

Motion--
--carried

Mayans moved that the project be approved; the bonding resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-051

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned Hillside from Kellogg to Central Improvement Project, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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NEW BUSINESS

(THIS ITEM WAS TAKEN UP LATER IN THE MEETING, ACTION IS SHOWN IN AGENDA ORDER)

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. **(DISTRICTS I, III, IV AND VI)**

Kurt Schroeder Superintendent of Central Inspection reviewed the item.

Agenda Report No. 05-0077

On December 14, 2004 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on February 1, 2005. One structure has been demolished since this time.

On November 8, 2004, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 1438 North Estelle	I
b. 1707 North Spruce	I
c. 1638 North Minneapolis	I
d. 2048 North Minnesota	I
e. 3100 North Park Place (small house)	VI
f. 747 North Sheridan	VI
g. 219 North Elizabeth (garage)	IV
h. 215 North Millwood #10	IV
i. 1615 West Maple	IV
j. 1423 West Burton	IV
k. 1815 South Exchange	III

Pursuant to State Statute, the Resolutions were duly published twice on December 16, 2004, and December 23, 2004. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder Superintendent of Central Inspection stated that one of the properties have been demolished by the owner so that the Council will only be considering 11 properties today. Stated that the property located at (d) 2048 North Minnesota, there is a new owner of this property and she purchased this property shortly after the title searches and notices were done and was not aware of this. Stated that she has obtained building permits and has started some work on this property and since it is secured he recommends that the Council defer any formal action on this property for 60 days and if the work is not substantially completed they will bring it back to the Council to take a formal action if desired.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures adopted and the BCSA recommended action to proceed with condemnation on items (a) through (k), except for (d) 2048 North Minnesota, allowing 10 days to start demolition and 10 days to complete removal of the structures accepted. Any extensions of time granted to repair the structures would be conditioned on the following: (1) All taxes have been paid to date, as of February 1, 2005; (2) the structures have been secured as of February 1, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of February 1, 2005 and will be so maintained during renovation and that item (d) 2048 North Minnesota, be deferred for 60 days. Motion carried 7 to 0.

--carried

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RESOLUTION NO. 05-053

A Resolution finding that the structure/s located on Lots 18-20, Goethe now Estelle Avenue, Rose Hill Addition, Wichita, Sedgwick County, Kansas known as 1438 North Estelle is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-054

A Resolution finding that the structure/s located on Lots 39-41, spruce Street, Logan Addition, Wichita, Sedgwick County, Kansas known as 1707 North Spruce is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-055

A Resolution finding that the structure/s located on Lots 64-66, Block 7, Kansas Addition, Wichita, Sedgwick County, Kansas known as 1638 North Minnesota is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-057

A Resolution finding that the structure/s located on Lots 23-24, Block 22, Jones Park Addition, Wichita, Sedgwick County, Kansas known as 3100 North Park Place is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-058

A Resolution finding that the structure/s located on Lot 38, Davis Garden's Addition, Wichita, Sedgwick County, Kansas, known as 747 North Sheridan, is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-059

A Resolution finding that the structure/s located on Lot 15 & N. 7 1/2 ft. Lot 16, Block 1, Junction Town Co Addition, Wichita, Sedgwick County, Kansas, known as 219 North Elizabeth (Garage). is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-060

A Resolution finding that the structure/s located on Lots 13-14-15-16 & N. 10 1/2 ft. Lot 17, Block 3, Junction Town C. Addition, Wichita, Sedgwick County, Kansas known 215 North Millwood, is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-061

A Resolution finding that the structure/s located on Lots 40-42 & E. 6 Fft Lot 44, Maple Street, Coop's Sub., Wichita, Sedgwick County, Kansas known as 1616 West Maple is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 05-062

A Resolution finding that the structure/s located on Lots 34-26, Elizabeth Avenue, Lawrence's Fourth Addition, Wichita, Sedgwick County, Kansas known 1423 West Burton, is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-063

A Resolution finding that the structure/s located on Lots 287-288, Suppl. Plat of Rosenthal's 5th Addition, Wichita, Sedgwick County, Kansas known as, commonly known as 1815 South Exchange, is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WATER COALITION SOUTH CENTRAL KANSAS WATER COALITION.

Dave Warren Director of Water and Sewer Department reviewed the item.

Agenda Report No. 05-0078

In January 2004, the Regional Economic Area Partnership (REAP) executive committee invited member jurisdictions to participate in discussions to develop and recommend a strategy for joint action among local governments to address regional water issues. At the October 11, 2004, meeting, the REAP membership voted to approve the formation of the South Central Kansas Water Coalition. Among the objectives of the Coalition are:

- To serve as a regional conduit for the dissemination of information regarding activities, programs, funding and initiatives related to water in the region.
- To serve as a regional voice on behalf of members to state and federal government and agencies.
- To develop and implement a regional water plan.
- To organize and coordinate collaborative efforts on regional issues of water supply and quality.
- To develop or organize services to member water utility operations.

The City of Wichita participated in the discussions leading up to the formation of the Coalition by REAP. The Mayor, the Water & Sewer Department Director and the Environmental Health Director have been parties to those discussions. Staff believes that water issues extend beyond the city limits. There is value in local governments sharing information and experiences and in jointly speaking to water related issues before state and federal government agencies. (See attached Report of the Executive Committee.)

The Coalition will be governed by a Board of Delegates appointed from governing bodies of member local governments. The Board of Delegates will approve the budget and the work plan for the Coalition. A Board of Directors will be appointed from the professional/administrative Staff of member entities. The Board of Directors will prepare and recommend an annual budget and work plan, carry out approved work, and oversee the day-to-day operations and activities of the Coalition. Each delegate and director will also have an alternate appointed by the member entity's governing body.

The interlocal agreement calls for Wichita to initially pay \$2,500 as a charter member. This funding level may change up or down, depending on the work plan that the Coalition Board of Delegates adopts. The City's water utility has sufficient budget authority to cover this initial cost. Other member local government entities will contribute based on their population and/or utility revenues.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion-- Mayans moved that the interlocal agreement with REAP for participation in the South Central Kansas Water Coalition be approved; appoint Paul Gray as the delegate and Bob Martz as the alternate from the City's governing body to the Coalition Board of Delegates and Jerry Blain as director and Kay Johnson as the alternate from the City's professional Staff to the Coalition Board of Directors be appointed and payment of \$2,500 to the Coalition from the budget of the City's Water Utility be authorized.

--carried Motion carried 7 to 0.

PLANNING AGENDA

Motion -- Mayans moved that the Planning Agenda, with the exception of Item 16, be approved as presented.

-- carried Motion carried 7 to 0.

(Agenda Item No. 16)
ZON2004-00061

ZON2004-00061-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL. GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE FIRST STREET-MCCOMAS AVENUE INTERSECTION, ONE BLOCK EAST OF WEST STREET AND ONE BLOCK NORTH OF DOUGLAS AVENUE. (DISTRICT VI)

John Schlegel Planning Director reviewed the item.

Agenda Report No. 05-0079

MAPC Recommendations:	Approve MF-18, subject to platting within one year (11-0).
MAPD Staff Recommendations:	Approve.
DAB Recommendations:	Approve MF-18, subject to a Protective Overlay limiting building heights to 35 feet (8-0).

The applicants' 1.06-acre unplatted tract is zoned "SF-5" Single-family Residential. There is currently a single story, brick, single-family residence (built in 1950) on the subject site. The applicants are requesting a zoning change to "MF-18" Multi-family Residential to allow the subject site to be redeveloped with triplexes or apartments.

The abutting and adjacent properties to the east and north of the subject site are zoned "SF-5" and are developed as single-family residences, built primarily from the late 1950s to the mid 1960s. Properties southeast of the subject site are zoned "TF-3" Two-family Residential and are developed primarily as single-family residences, built in the 1920s and 1930s, and duplexes built in the late 1960s to the mid 1970s. The abutting property west of the subject site is zoned "LC" Limited Commercial and was developed in the late 1990s as a contractors warehouse, office and yard. This "LC" site has access and frontage onto West Street, a commercial corridor. Properties south and southwest of the site are zoned "B" Multi-family Residential and "LC" and are developed as story and a half apartments, built in the early 1970s. The applicants own these apartments.

The applicants had originally requested a zone change to "MF-29" Multi-family Residential, which would allow up to 29 dwelling units per acre, and a building height up to 45 feet. DAB VI considered the request at their December 15, 2004 meeting and recommended denial of the requested "MF-29" zoning. The DAB found the density of the "MF-29" zoning out of character with the surrounding area, and recommended approval (8-0) of "MF-18" Multi-family Residential zoning with a Protective Overlay that would limit the development to no more than 9 dwelling units with a maximum structural height of 35-feet (the MF-18 district permits building height up to 45 feet). No member of the public was in attendance at the DAB meeting to speak against the requested zoning change.

The MAPC considered this case at their December 23, 2004 meeting. During this meeting the applicant advised the MAPC that they would agree to the "MF-18" zoning, but requested that the number of units allowed on the site be per the "MF-18" zoning district and not the DAB's recommendation of no more than 9 units. The applicants also requested that the maximum structural height be the 45-feet allowed in the "MF-18" zoning district rather than the DAB's recommended maximum structural height of 35-feet. The MAPC approved (11-0) the zone change to "MF-18" (without the DAB recommended 35-foot

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height restriction) subject to the property being platted within a year. One person spoke in opposition to the zoning change at the meeting citing concerns with increased noise and concern for loss of property value if the request were to be approved. Staff has received two written protests against the requested zoning change that represent less than 20% of the protest land area.

Council Member Martz Council Member Martz stated that the request for 18 units on one acre would be awfully tight and seems like a lot of units for one acre.

Council Member Gray Council Member Gray stated that he has concerns regarding the parking for that many people and whether there would be adequate room.

John Schlegel Planning Director stated that it would be a design challenge to get 18 units on this site.

Council Member Schlapp Council Member Schlapp stated that she cannot envision 18 units on this site.

Council Member Fearey Council Member Fearey stated that the discussion today is very much like the discussion at her DAB and that at her DAB the applicant did show this schematic that was referred to and it was a beautiful design and showed the dimensions of each of these units and the DAB did the math several times and that there was no way that what he showed would fit. Stated that this and the parking concerns her. Stated that the single-family homes surrounding this area concerns her and even though there are other uses, she feels that to bring either the MF-29 or MF-18 right up to this single-family area is not a good buffer. Stated that she thinks the DAB came up with a good solution to this to allow parking, to allow for green space, to allow for different things that could make this a buffer between the more intensive zoning to the west and the south and the less intensive zoning to the north and the east.

Motion-- Fearey moved to deny the MF-29 and then to amend the request for the MF-18 through a protective overlay to multi-family, MF-18 with a limit of nine dwelling units, not to exceed 35 feet in height and the reason are as stated: the zoning use and character of the neighborhood because of the single-family housing, this would be a buffer; the suitability of the subject property for the uses for which it has been restricted is currently zoned single-family and the MF-18 with the overlay would be less intense and would fit into the area; it is too intense for the surrounding properties and could detrimentally affect the nearby property and the conformance of the requested change to the adopted or recognized comprehensive plan and policies would allow the property to be used for more intensive use but not the MF-18. (Lambke second the motion).

Mayor Mayans Mayor Mayans stated that he would feel more comfortable sending this back to the MAPC and would not be supporting the motion.

Council Member Fearey Council Member stated that the DAB has already looked at this and came up with a good compromise but that she could withdraw her motion.

--withdrawn Fearey withdrew her motion with consent of the second.

Motion--carried Fearey moved that application be returned to the MAPC for reconsideration. Motion carried 7 to 0.

SIGN FEES

FEES FOR NEW APPLICATIONS AND PROCEEDINGS PERTAINING TO SIGNS.

Agenda Report No. 05-0080

Staff Recommendation: Establish the fees.

The City Council has recently approved amendments to the Sign Code that created two new application types pertaining to signs. The first new application type is a Sign Code Adjustment whereby minor changes to sign regulations may be approved by the Planning Director with the concurrence of the Zoning Administrator. The second new application type is a Special Review Approval for Off-Site Billboard Sign Permits whereby the Metropolitan Area Planning Commission may permit billboards to be located closer to residential properties than allowed by the sign regulations. The recently approved amendments to the Sign Code indicated that fees for these two new application types would be

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established separately by the City Council.

Staff recommends that a fee of \$140 be established for Sign Code Adjustments. The recommended \$140 fee is the same fee charged for other administrative adjustment applications. Staff recommends that a fee of \$500 be established for Special Review Approval for Off-Site Billboard Sign Permits. The recommended \$500 fee is the same fee charged for other applications such as Conditional Use applications that are approved by the Metropolitan Area Planning Commission.

The purpose of the fees is to defray cost of Staff time, advertising, postage, copies, etc. associated with processing applications. If the fees are not established, the cost of processing the applications will need to be funded from another (likely general revenue) source.

Motion--
--carried

Mayans moved that the fees for Planning applications and proceedings pertaining to signs be approved and the ordinance establishing the fees be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance establishing Section 2.26.040 of the Code of the City of Wichita, Kansas, pertaining to fees and charges for planning applications and proceedings for sign code adjustments and special review approval for off-site billboard sign permits, introduced and under the rules laid over.

ZON2004-00060

ZON2004-00060-ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE, GENERALLY LOCATED NORTH OF CENTRAL, BETWEEN TERRACE AND PERSHING. (DISTRICT I)

Agenda Report No. 05-0081

MAPC Recommendations: Approve (Vote 11-0), subject to Staff recommendations.

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Not applicable.

The applicant requests a zone change from "B" Multi-Family to "NO" Neighborhood Office on a 0.17-acre platted tract located north of Central, between Terrace and Pershing. The site is currently developed with a vacant office building that formerly housed medical services. The site's current "B" Multi-Family zoning permits offices for medical services, but does not permit offices for other professions. The applicant has requested to rezone the property to "NO" Neighborhood Office to permit offices for other professionals, more particularly an insurance office for the contract purchaser.

The surrounding area is characterized primarily by commercial uses along Central with residential uses to the north and further west along Central. The properties north of the site are zoned "TF-3" Two-Family Residential and are developed with single-family residences. The property west of the site was rezoned to "NO" Neighborhood Office in 2001 and is developed with an office building. The property east of the site is zoned "GO" General Office and is developed with a real estate office. The property south of the site across Central is zoned "LC" Limited Commercial and is developed with a vacant service station.

There were no speakers in opposition to the request at the MAPC hearing on December 23, 2004. The MAPC voted unanimously to recommend approval of the zone change subject to the dedication of access control along Central except for the west 15 feet of Lot 662, Overlook Addition and the dedication of cross lot access to Lots 663 and 664, Overlook Addition.

Motion--

--carried

Mayans moved that the findings of the MAPC be adopted; the zone change subject to the recommended conditions be approved; the ordinance establishing the zone change placed on first reading; and the City Clerk instructed to withhold publication of the ordinance until the conditions of approval are met. Motion carried 7 to 0.

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON2004-00060)

AIRPORT AGENDA

Motion --carried Mayor Mayans moved to approve the Airport Agenda Items as presented. Motion carried 7 to 0

MIDFIELD ROAD SITE DEVELOPMENT, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0082

On September 9, 2003, the Wichita Airport Authority approved a project to accommodate a new tenant development (Honeywell) in addition to future tenants along Midfield Road. The project was approved to relocate facilities, clear the site, install utilities, and construct a street.

Professional Engineering Consultants has been selected to provide professional services in conjunction with furnishing the tenant with electrical service.

The contract is \$8,560 for design and bid phase services, and is within the approved budget. A construction phase services agreement will be entered into at a later date.

Contracts, which will total over \$10,000, require Wichita Airport Authority approval.

Motion-- Mayans moved that the contract be approved and the necessary signatures authorized. Motion
--carried carried 7 to 0.

SIEMENS BUILDING TECHNOLOGIES, INC. (SBT) – S.A. NO. 1.

Agenda Report No. 05-0083

The WAA currently has an agreement with Siemens Building Technologies to maintain security monitoring equipment on Wichita Mid-Continent Airport.

In addition to maintaining the security equipment required for overall airport security, the agreement also includes funds to maintain equipment located in the Federal Aviation Administration (FAA) Building located at 1801 Airport Road. Contrary to the above, the FAA has now elected to install its own security monitoring system and to maintain it independently of the WAA's. Consequently, Siemens will no longer be required to provide this service for the FAA, and it is necessary to delete this responsibility from the agreement between the WAA and Siemens.

Motion-- Mayans moved that the supplemental agreement be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

AIRFIELD PAVMNT AIRFIELD PAVEMENT, TAXIWAY "N" CONSTRUCTION, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0084

On June 3, 2003, Ritchie Paving, Inc. was awarded the contract for the Taxiway "N" project in the amount of \$7,016,064.70.

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Change Order No. One, has been prepared to address items incurred during construction. The change order of \$88,300.10 is within the approved budget and will be paid for with an FAA grant, Passenger Facility Charges and Airport Revenue. Total changes are approximately one percent of the original contract amount.

Motion-- Mayans moved that the change order be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

CITY COUNCIL

APPOINTMENTS

BOARD APPOINTMENTS.

There were no appointments made.

TRAVEL EXPENSES

APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBERS TO ATTEND THE NATIONAL LEAGUE OF CITIES 2005 ANNUAL CITY CONFERENCE IN WASHINGTON, DC, MARCH 11-15, 2005.

Motion--carried Mayans moved that the expenditures be approved. Motion carried 6 to 1, (Lambke no).

TRAVEL EXPENSES

COUNCIL MEMBERS TRAVEL TO TOPEKA FOR LEGISLATIVE ACTIVITIES AS NEEDED, DURING THE 2005 LEGISLATIVE SESSION.

Motion--carried Mayans moved that the expenditures be approved. Motion carried 6 to 1, (Lambke no).

RECESS

Mayans moved at 10:15 a.m. that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation; potential litigation; legal advice and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 10:45 a.m. and reconvene in the City Council Chambers of City Hall. Motion carried 7 to 0.

Motion-- Mayans moved at 10:45 a.m. to extend the Executive Session for an additional 10 minutes until
--carried 10:55 a.m. Motion carried 7 to 0.

RECONVENE

The Council reconvened in the Council Chambers at 10:55 a.m. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved at 10:55 a.m. to adjourn the Executive Session. Motion carried 7 to 0.

Motion--carried Mayans moved at 10:55 a.m. to adjourn the regular meeting. Motion carried 7 to 0.

Adjournment The City Council meeting adjourned at 10:55 a.m.

Karen Sublett
City Clerk

Workshop followed in the first floor board room